

To the Honorable Council City of Norfolk, Virginia

February 9, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exceptions to operate a microbrewery and an entertainment establishment with alcoholic

beverages at 211 W. 24th Street - O'Connor Brewing Co.

Reviewed:

Ronald H. Williams, 4r., Deputy City Manager

Ward/Superward: 2/6

Approved:

Item Number:

R-21

Marcus D. Jones, City Manager

Staff Recommendation: Approval. ı.

Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval. II.

Request: Special Exception to operate a microbrewery and to amend an existing special exception to III. operate an entertainment establishment with alcoholic beverages

O'Connor Brew Co. Applicant: IV.

Description: ٧.

	Existing	Proposed
Hours of Operation (brewery)	24-hours a day, seven days a week	Same
Hours for Entertainment and for the Sale of Alcoholic Beverages (on-premises consumption)	11:00 a.m. until midnight, Monday through Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Hours for the Sale of Alcoholic Beverages (off-premises consumption)	11:00 a.m. until midnight, Monday through Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Seating Capacity (5 floor plan options)	220 seats indoors200 seats outdoor380 total capacity	278 seats indoors 196 seats outdoors 600 total capacity
Entertainment	 Five member band Karaoke Poetry Reading Comedian 	Same

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

- Staff Report to CPC dated January 28, 2016 with attachments
- **Proponents and Opponents**
- Ordinances



Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 22			
Address	211 West 24 th Street			
Applicant	O'Connor Brewing Co.			
Requests	Special Exceptions	a. Microbrewery b. Entertainment Establishment		
Property Owner	O'Connor Brewing Con	npany, LLC		
	Site/Building Area	52,500 sq. ft./26,265 sq. ft.		
	Future Land Use Map	Industrial		
Site Characteristics	Zoning	I-2 (Light Industrial)		
	Neighborhood	Park Place/Midtown Industrial District		
	Character District	Traditional		
	North	I-2: Vacant industrial warehouses		
Surrounding Area	East	I-2: Old Dominion Peanut Corp.		
	South	I-1 (Limited Industrial): Norfolk Southern railway		
	West	I-2: The Desk Doctor Furniture Outlet		



A. Summary of Request

- The site is located on the south side of 24th Street between Llewellyn and Omohundro Avenues.
- The applicant has operated a microbrewery with entertainment at this location since 2013 and prior to that nearby on 25th Street since 2011.
- The application proposes to increase indoor seating, a decrease in outdoor seating and an increase overall capacity.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as industrial.

C. Zoning Analysis

i. General

- The existing use was established in 2013 and was considered light manufacturing for the production of beer, an entertainment establishment and the sale of alcoholic beverages for off-premises consumption.
- Since that time, the *Zoning Ordinance* has been amended to add definitions for brewery, microbrewery and brewpub.
 - A microbrewery allow for the manufacturing and retail sale of beer produced on premise as well as the off-premises sale of beer.
- The application proposes modification of the current operation by increasing the number of indoor and outdoor seats and overall capacity.
 - This requires that the applicant come into compliance by amending the existing entertainment establishment and replacing the sale of alcoholic beverages for offpremise consumption special exception with a special exception to operate a microbrewery.
- The application proposes the following changes:
 - Increase indoor seating from 220 to 292 seats.
 - Decrease outdoor seating from 200 to 186.
 - Increase overall capacity from 380 patrons to 600 patrons.
- Both uses are allowed by special exception in the I-2 district.

	Existing	Proposed
Hours of Operation (brewery)	24-hours a day, seven days a week	Same
Hours for Entertainment and for the Sale of Alcoholic Beverages (on-premises consumption)	11:00 a.m. until midnight, Monday through Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same

Hours for the Sale of Alcoholic Beverages (off-premises consumption)	11:00 a.m. until midnight, Monday through Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Seating Capacity (5 floor plan options)	220 seats indoors200 seats outdoor380 total capacity	278 seats indoors196 seats outdoors600 total capacity
Entertainment	Five member bandKaraokePoetry ReadingComedian	Same

ii. Parking

- The area used for the microbrewery is approximately 10,000 square feet.
- The site is located in a Traditional Character district which requires one parking space per 300 square foot of building area.
- The site contains 38 parking spaces and the use is required to provide 33 spaces.
 - It in compliance with parking requirements.
- The applicant will also be required to provide seven spaces for bicycles.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this new restaurant will generate 348 additional vehicle trips per day by increasing total indoor seating at this location by 72 seats above currently approved levels.

E. Historic Resources Impacts

The building located on this site is a contributing structure in the Park Place State and National Historic District.

F. Public Schools Impacts

The site is located in the James Monroe Elementary School, the Blair Middle School and Maury High School districts.

G. Environmental Impacts

Site improvements shall include landscaping along 24th Street between the building and sidewalk.

H. Surrounding Area/Site Impacts

- This site has been in operation for two years and there have been no complaints or issues reported.
- The site is located in an industrial area and the expansion of the occupancy should not negatively impact the surrounding area.
- Over the past year there have been four calls for police service with no arrests made.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

Notice was sent to the Park Place Civic League on December 16th.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 14.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and 21.
 - This item was continued from the August, September and November public hearings to the December public hearing.

L. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions:

Microbrewery

- a. The hours of operation for the establishment shall be 24 hours a day, seven days a week.
- b. The hours for the sale of alcoholic beverages for off-premises consumption shall be from 11:00 a.m. until 12:00 midnight, Monday through Saturday, and from 11:00 a.m. until 9:00 p.m., Sunday.
- c. This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- d. No alcoholic beverages other that those defined as "beer," as defined by state law, shall be sold.

- e. No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- f. No beer shall be sold in any package containing fewer than six (6) bottles or cans.
- g. The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

Entertainment Establishment

- a. The hours of operation for the establishment shall be 24 hours a day, seven days a week.
- b. The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be from 11:00 a.m. until 12:00 midnight, Monday through Thursday, from 11:00 a.m. until 2:00 a.m., Friday and Saturday, and from 11:00 a.m. until 9:00 p.m., Sunday.
- c. No entertainment shall be permitted outdoors after 9:00 p.m., Sunday through Tuesday, and after 12:00 midnight, Wednesday through Saturday.
- d. The seating for the establishment shall not exceed 220 seats indoors, 200 seats outdoors, and the total occupant capacity, including employees, shall not exceed 380 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- e. This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the

Description of Operations ceasing to work at the establishment.

- f. Entertainment shall be limited to live bands having no more than five members, movie night, karaoke, comedian and poetry reading. No other form of entertainment is permitted.
- g. There shall be no dancing and no dance floor provided.
- h. The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- The establishment shall maintain a current, active business license at all times while in operation.
- k. The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- m. During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- n. The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- o. The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where

- any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- p. The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- q. Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- r. Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the facility for events that are permitted by and comply with this ordinance in all other respects:
 - (1) Any federal, state, or local government or governmental agency;
 - (2) Any party that receives a grant or other direct funding from a state or local government; and
 - (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- s. The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the facility.
- t. A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - 1. This Special Exception;

- Any ABC license(s);
- 3. Any occupancy permit(s);
- Certifications of all persons who work on the premises as a security guard;
- All fire code certifications, including alarm and sprinkler inspection records;
- 6. Any health department permit(s);
- 7. The emergency action plan required under the Fire Prevention Code;
- 8. The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- 9. The establishment's designated driver program.
- 10. Security Plan
- h. Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- i. A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- j. At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the <u>Zoning Ordinance of the City of Norfolk</u>, 1992 (as amended), entitled "Signs." The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written

notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

k. The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Park Place Civic League

Proponents and Opponents

Proponents

Kevin O'Connor 211 W. 24th Street Norfolk, VA 23504

Opponents

None

01/26/2016 lds

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "O'CONNOR BREWING COMPANY" ON PROPERTY LOCATED AT 211 WEST 24^{TH} STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to O'Connor Brewing Company, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "O'Connor Brewing Company" on property located at 211 West 24th Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 250 feet, more or less, along the southern line of West $24^{\rm th}$ Street, beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; premises numbered 211 West $24^{\rm th}$ Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be limited to 11:00 a.m. until 12:00 midnight Monday through Friday, 11:00 a.m. until 2:00 a.m. the following morning on Saturday, and 11:00 a.m. until 9:00 p.m. on Sunday.
- (b) No entertainment shall be permitted outdoors after 9:00 p.m. Sunday through Tuesday, nor after 12:00 midnight Wednesday through Saturday.
- (c) The seating for the establishment shall not exceed 292 seats indoors, 144 seats outdoors, and the total occupant capacity, including employees, shall not exceed 600 people.

- (d) No smoking shall be permitted anywhere in the portion of the outdoor area that is located within the patio area shown in the outdoor floor plans attached hereto in "Exhibit B".
- This special exception shall terminate in the event (e) of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (f) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, poetry reading, comedians and motion pictures. No other forms of entertainment are permitted.
- (g) There shall be no dancing and no dance floor provided.
- (h) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto at "Exhibit B."
- (i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverage taxes and business personal property taxes which may become due while it is in operation.

- (1) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar.
- (o) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from

- requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (u) A binder or folder containing documentation relating to the operation of the facility shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the facility shall include copies of the following:
 - This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;

- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permits;
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the facility at any time;
- (9) The facility's designated driver program; and
- (10) The facility's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (w) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the facility is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in

question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all

additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on December 10, 2013 (Ordinance NO. 45,366). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)
Exhibit B (2 pages)



EXHIBIT "A" Description of Operations Entertainment Establishment (Please Print)

O' CONNOR BREWING COMPANY, LLC

Date 12 16 15

Trade name of business _

Address of business 211 W. Q47" STREET, NORFOLK VA 23517						
Name(s) of business owner(s)* LLC PARTNERS: KEV	Name(s) of business owner(s)* LLC PARTNERS: KEVIN O'CONNOR - MANAGER ! PENNY O'CONNOR					
Name(s) of property owner(s)* WE PARTNERS: SAW	IE AS ABOVE					
Name(s) of business manager(s)/operator(s) KEVIN O	CONNOR, PENNY OCONNOR					
Daytime telephone number (757) 623-2387 AF	ND 757652-0069					
*If business or property owner is a partnership, all part *If business or property owner is an LLC or Corporation	ners must be listed. n, all principals must be listed.					
1. Proposed Hours of Operation:						
Facility Weekday From IQ AM To IQ AM Weekd	olic Beverage Sales and Entertainment lay From <u>II AM</u> To <u>I 2 AM</u>					
Friday From 12 AM To 12 AM Friday	From IIAM To ZAM					
Saturday From 12 AM To 12 AM Saturd						
Sunday From 12AM To 12AM Sunda	y From NAM To 9PM					
2. Type of ABC license applied for (check all applicable boxes): On-Premises Off-Premises (second application required)						
3. Type of alcoholic beverage applied for: WEA-SAT WEA-SAT						
DEPARTMENT OF CITY PLANNING 810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569						

(Revised January, 2015)

Exhibit A – Page 2 Entertainment Establishment

4.	Will vi	deo games, pool tables, game boards or other types of games be provided? (If more than 4, additional application required) □ No
	4a	If yes, please describe type and number of each game to be provided:
	COR	NHOLE BOARDS (2 SETS OF 2)
5.	Will pa	atrons ever be charged to enter the establishment? □ No
	5a.	ONLY FOR TICKET SPECIAL EVENTS
		Which days of the week will there be a cover charge (circle all applicable days): Monday Vednesday Friday Saturday Saturday
6.	Will th	ne facility or a portion of the facility be available for private parties?
	6a.	If yes, explain: CORPORATE PARTILES/EVENTS, WEDDING RECEPTIONS, NON-PROFIT EVENTS PRIVATE EVENTS, REHORSAL DINNERS, CHARLITY EVENTS, BIRTHDAY PARTIES
7.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?
	7a.	If yes, explain:
8.	Will the	ere ever be a minimum age limit?

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Exhibit A - Page 3

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

LATOUT A

Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

0	Complete this	worksheet	based fo	r each	floor pla	an submitted	with	applicatio	n.

Floor plan(s) must be prepared by a registered design professional and include:

- o Tables/seats
- Restroom facilities
- o Bar
- o Ingress and egress
- Standing room
- Disc Jockey/Band/Entertainment area)
- Outdoor seating
- Total maximum capacity (including employees)

1.	Ota	canacity
1.	Total	capacity

				100
a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room Band	278 14 68	Beev gardur- Patio Bar Seats Patro Bar Standing	24
	Outdoor Number of seats (Loading Dock) Standing room (Loading Dock) Number of employees	42 28 15		
Total (Indo	Occupancy or/Outdoor seats, standing room and emp	loyees) = <u>600</u>		
2 -	stortainment			

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 Member	band, Movie sho	owind,
).

3. Will a dance floor be provided?

-	Yes	V	NI	-
	res	IV.	IV	·

3a. If yes,
Square footage of establishment ______
Square footage of dance floor ______

If a disc jockey is proposed, a dance floor must be provided.

 If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

LAYOUT B

Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - o Tables/seats
 - Restroom facilities
 - o Bar
 - Ingress and egress
 - Standing room
 - o Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - o Total maximum capacity (including employees)

1. Total capacity

	b.	Numb Stand Band Shuff Outdo Numb Stand	or per of seats (not including bar seats) per of bar seats per of bar seats ling room per of seats (Louding Pall) ling Room (Louding Pall) per of employees	246 14 68 32 42 20 15	Bier Garden 120 Patro Bar Seats 24 Patro Bar Standing 6		
To:	tal (Occup or/Out	oancy door seats, standing room and employee	s) = 1000			
2.	 Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading. 						
į	5	me	mber band, movie showing	ng,			
3.			nce floor be provided?				
		3a.	If yes, Square footage of establishmentSquare footage of dance floor				

DEPARTMENT OF CITY PLANNING

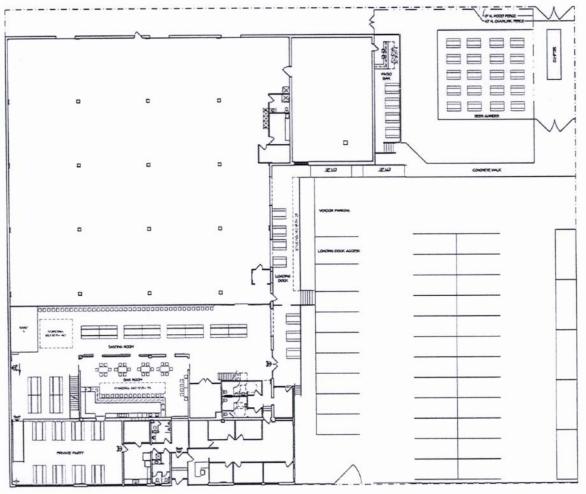
If the dance floor is more than 10% of the square footage of the establishment, a

If a disc jockey is proposed, a dance floor must be provided.

Dance Hall permit is required.



PLUMBING FIXTURE CALCULATIONS					
	FIXTURES REQUIRED	FIXTURES PROVIDED			
WATER CLOSETS (1/75):	9	9			
LAVATORIES (1/200):	3	5			
SERVICE SINK:	ı	1			



FIRST FLOOR PLAN

" = 40'-0"

O'CONNOR BREWING COMPANY LAYOUT A - TASTING ROOM/ PRIVATE PARTY

211 W. 24TH STREET



ROBYN THOMAS ARCHITECTURE

913 W. 21st Street, Suite C Norfolk, VA23517

Ofc: 757.622.7100 Fax: 757.640.1014

OCCUPANCY CALCULATIONS

TASTING ROOM SEATS: 135 TASTING ROOM STANDING: 40 BAR ROOM SEATS: 30 BAR ROOM BAR SEATS: 28 BAR ROOM STANDING: PRIVATE PARTY: 64 49 MEZZANINE TOTAL: LOADING DOCK SEATING: 42 LOADING DOCK STANDING: 28 24 PATIO BAR SEATS: PATIO BAR STANDING: 6 120 BEER GARDEN SEATS: BAND: 5 15 STAFF:

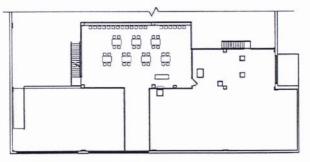
TOTAL OCCUPANCY: 600

CODE COMPLIANCE

CONSTRUCTION TYPE: 2b, FULLY SPRINKLED USE GROUP(S): SI/ F2/ A2 NON SEPARATED MIXED USE, GROUP A2 IS MOST RESTRICTIVE

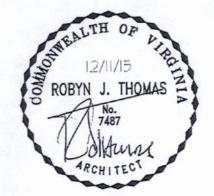
ACTUAL HEIGHT & AREA 2 STORIES/ 26,500 SF

ALLOWABLE HEIGHT & AREA 3 STORIES/ 42560 PER IBC SECTION 506

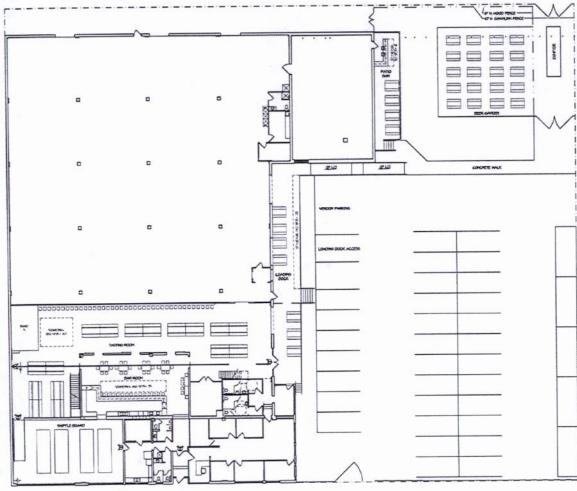


MEZZANINE PLAN

" = 40'-0"



PLUMBING FIXTURE CALCULATIONS					
	FIXTURES REQUIRED	FIXTURES PROVIDED			
WATER CLOSETS (1/75):	9	9			
LAVATORIES (1/200):	3	5			
SERVICE SINK:	1	1			



FIRST FLOOR PLAN

1" = 40'-0"

O'CONNOR BREWING COMPANY LAYOUT B - TASTING ROOM/ GAME LAYOUT

211 W. 24TH STREET



ROBYN THOMAS ARCHITECTURE

913 W. 21st Street, Suite C Norfolk, VA23517

Ofc: 757.622.7100 Fax: 757.640.1014

OCCUPANCY CALCULATIONS

TASTING ROOM SEATS: 167 TASTING ROOM STANDING: 40 BAR ROOM SEATS: 30 BAR ROOM BAR SEATS: 14 28 BAR ROOM STANDING: SHUFFLE BOARD: 32 MEZZANINE TOTAL: 49 42 LOADING DOCK SEATING: LOADING DOCK STANDING: 28 24 PATIO BAR SEATS: PATIO BAR STANDING: 6 120 BEER GARDEN SEATS: 5 BAND: 15 STAFF:

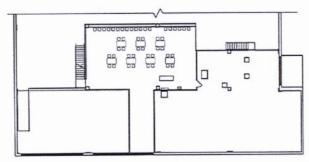
TOTAL OCCUPANCY: 600

CODE COMPLIANCE

CONSTRUCTION TYPE: 2b, FULLY SPRINKLED USE GROUP(S): 51/ F2/ A2 NON SEPARATED MIXED USE GROUP A2 IS MOST RESTRICTIVE

ACTUAL HEIGHT & AREA 2 STORIES/ 26500 SF

ALLOWABLE HEIGHT & AREA 3 STORIES/ 42,560 PER IBC SECTION 506



MEZZANINE PLAN

" = 40'-0"

01/26/16 lds

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

By DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A MICROBREWERY NAMED "O'CONNOR BREWING COMPANY" ON PROPERTY LOCATED AT 211 WEST 24^{TH} STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to O'Connor Brewing Company, LLC authorizing the operation of a microbrewery named as "O'Connor Brewing Company" on property located at 211 West 24th Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 250 feet, more or less, along the southern line of West $24^{\rm th}$ Street beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; premises numbered 211 West $24^{\rm th}$ Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for on-premises consumption shall be limited to 11:00 a.m. until 12:00 midnight Monday through Friday, 11:00 a.m. until 2:00 a.m. the following morning on Saturday, and 11:00 a.m. until 9:00 p.m. on Sunday.
- (b) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week.
- (c) The seating for the establishment shall not exceed 292 seats indoors, 144 seats outdoors, and the total occupant capacity, including employees, shall not exceed 600 people.

- (d) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.
- (e) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- The business authorized by this Special Exception (f) shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," The representations made in attached hereto. "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) No alcoholic beverages other than beer, ale, or other fermented malt beverages shall be sold.
- (h) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.
- (i) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.
- (j) All beer sold for off-premises consumption shall be in a package containing a minimum of four (4) bottles or cans with the exception of fillable or

refillable containers of at least 22 oz. capacity.

- (k) The facility shall maintain a current, active business license at all times while in operation.
- (1) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was

- enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends a previously granted special exception permitting an establishment for the sale of alcoholic beverages for off-premises consumption on this property, adopted on December 10, 2013 (Ordinance No. 45,367) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (2 pages)



EXHIBIT "A" Description of Operations Microbrewery

Date of Application: 12/11/15
Name of business: O'Conner Prewing Cruipany
Address of business: 211 W 24th Syreet, Norfolk VA 23517
Name(s) of business owner(s)*: Keuly O'Connor
Name(s) of property owner(s)*: O'Connor Brewing Company LLC
Name(s) of business manager(s)/operator(s): VEUN O'COMAGY
Daytime telephone number (1771): 1023- 2-331
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of open to the public:

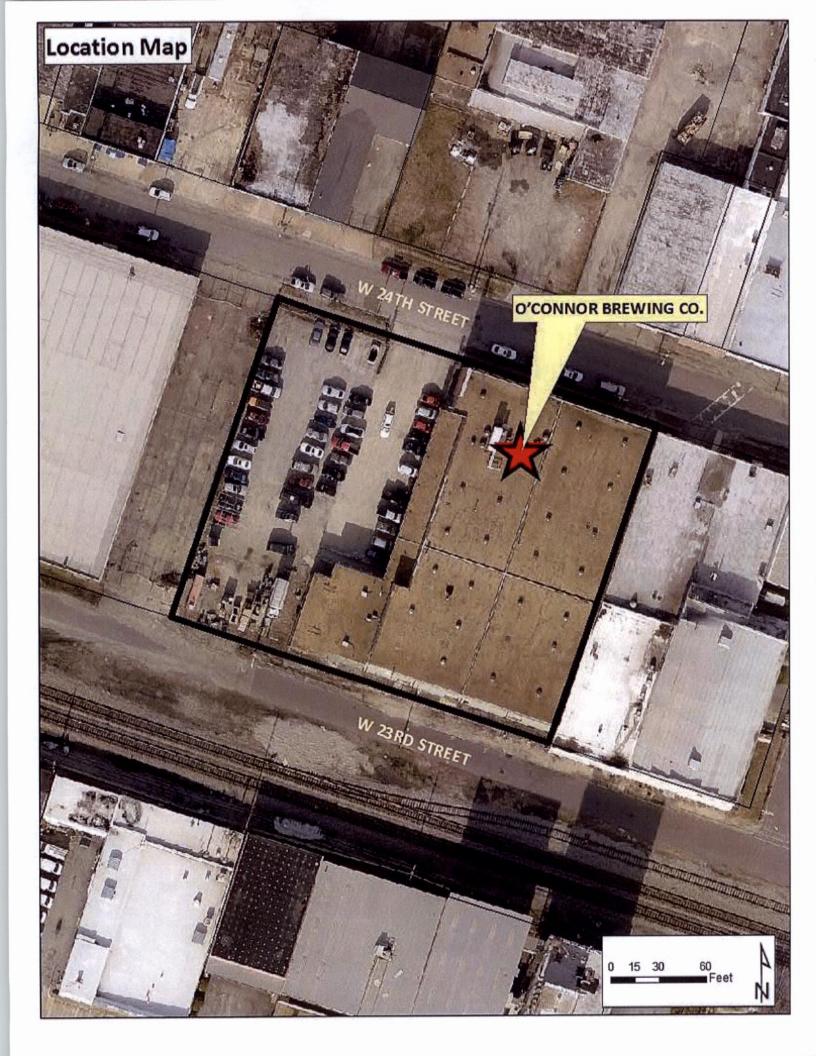
ABC Off-Premises Sales	On-Premises Alcohol Sales (other than tastings)		
Weekday From 12 am To 12 am	Weekday	From Ilam To 12 am	
Friday From Dam To Dam	Friday	From Ilam To 12-am.	
Saturday From 12am To 12am	Saturday	From I am To Zam	
Sunday From 12am To 12am (Brewing operations permitted 24-hours)	Sunday	From Ilam To 9 pm	

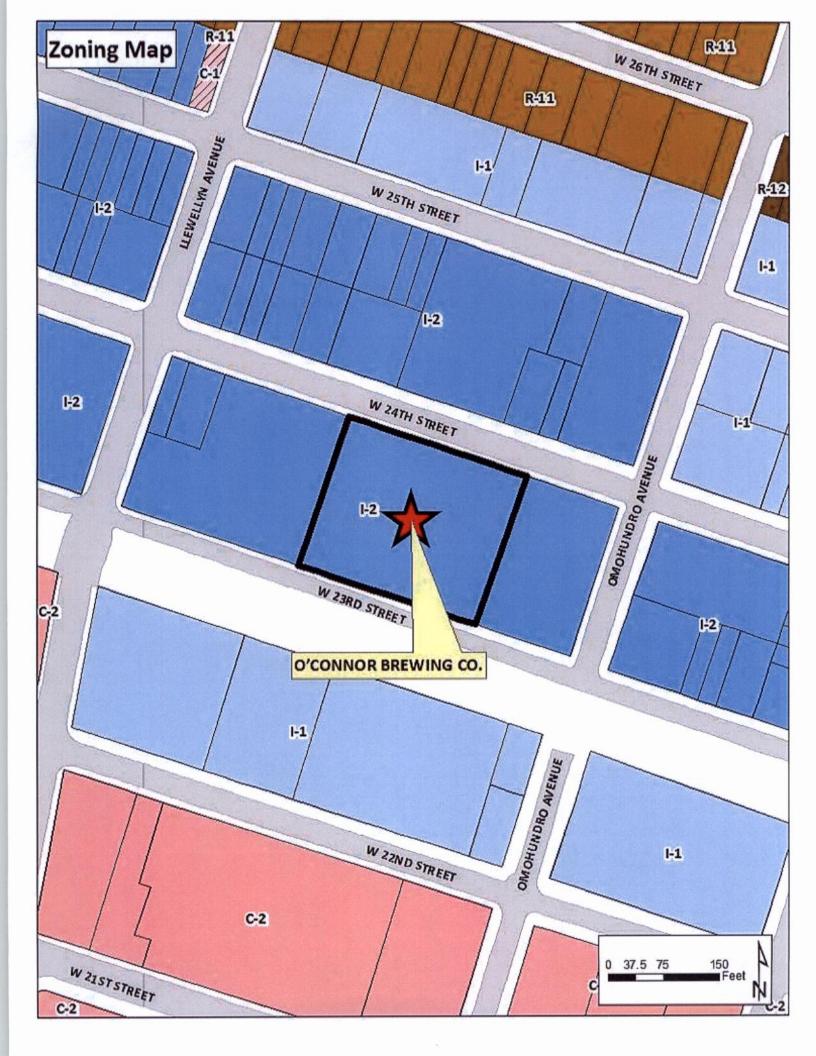
DEPARTMENT OF CITY PLANNING

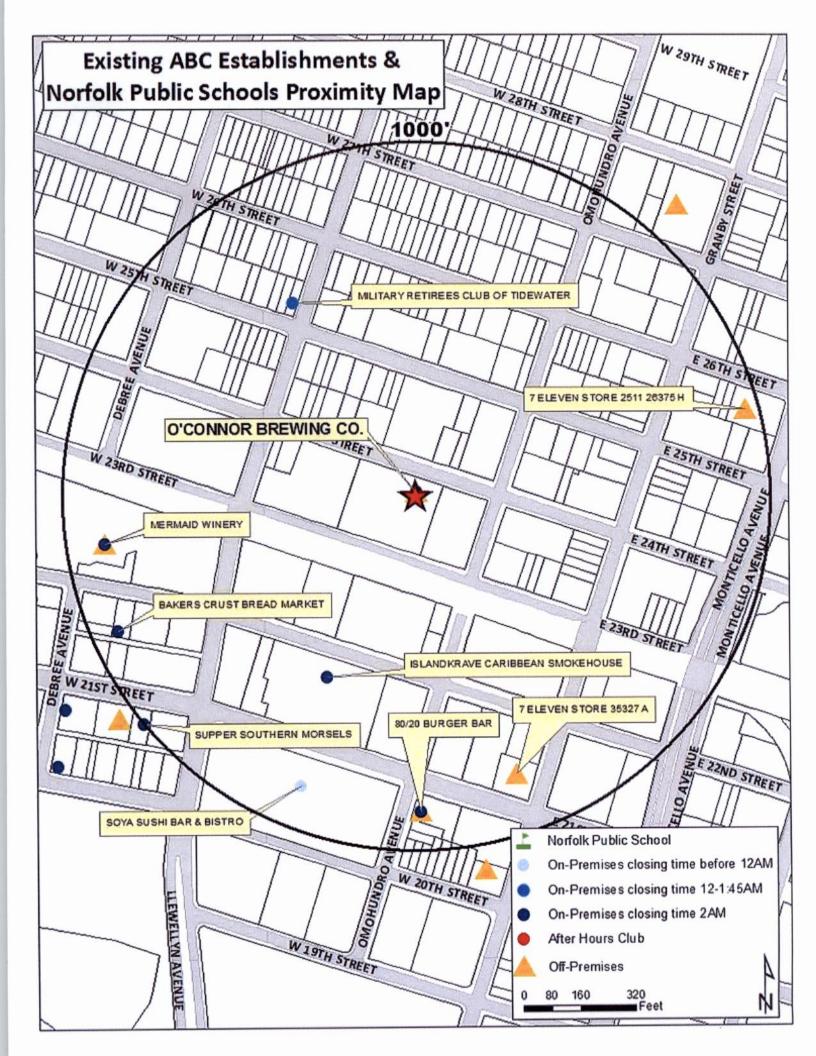
Exhibit A – Page 2 Microbrewery

3.	As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your
	justification as well as indicate what sizes you would sell:
	Stend

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APPLICATION ADULT USE SPECIAL EXCEPTION ENTERTAINMENT ESTABLISHMENT (Please Print)

Date 12/16/15
DESCRIPTION OF PROPERTY
Address 211 W. 24th STREET NORFOLK VA 23517
Existing Use of Property BREWERY
Proposed Use MICROBREWERY W/ TASTING & RETAIL FACILITY
Current Building Square Footage <u></u> <u></u> <u></u> <u></u> <u></u> <u> </u>
Proposed Building Square Footage
Trade Name of Business (If applicable) O CONNOR BREWING CO, LLC
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners
1. Name of applicant: (Last) O'CONVOR (First) KEVIN (MI) M
Mailing address of applicant (Street/P.O. Box): 103 5. ARDEN CIRCLE
(City) NORFOLK (State) VA (Zip Code) 23505 (757) 652-0069 CELL
(757) 652-0069 CELL Daytime telephone number of applicant (757) 623-2331 Fax (757) 965-5419
F-mail address of applicant KEVIN & OCONNOR BREWING - COM

DEPARTMENT OF CITY PLANNING

Application Entertainment Establishment Page 2

	AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of of	ficial representative a	and/or all partners)
	2. Name of applicant: (Last)	(First)	(MI)
	Mailing address of applicant (Street/P.O. Box):		
	(City) (State)	(Zip Cod	e)
	Daytime telephone number of applicant ()	Fax ()
	E-mail address of applicant:		
(If	PROPERTY OWNER property owner is a LLC or a Corp./Inc., include nam 3. Name of property owner: (Last) D'CONNOP Mailing address of property owner (Street/P.O. box): (City) NORFOLK (State) VA Daytime telephone number of owner (751) 623 - 23	(First)KEVIN 103 S, ARDEN (Zip Code) _	(MI) M CIRCLE 23505
	CIVIC LEAGUE INFORMATION Civic League contact: PARK PLACE CIVIC LE Date(s) contacted: Ward/Super Ward information:		

DEPARTMENT OF CITY PLANNING

Application Entertainment Establishment Page 3

REQUIRED ATTACHMENTS

CERTIFICATION	ation and contit	u the information	a a m ta i m a d
I hereby submit this complete applic herein is true and accurate to the best			contained
Print name: KEVIN O'CONNOR (Property Owner or Authorize	Sign: Signature	12/16	1 2015 (Date)
Print name: KEVIN O'CONNOR (Applicant)	Sign: Foud (Date)	0	1 2015
ONLY NEEDED IF APPLICABLE:			
Print name:(Authorized Agent Signature)	_Sign:	(Date)	_/



APPLICATION MICROBREWERY

Date of Application: 12 11 15

,
DESCRIPTION OF PROPERTY
Property location: (Street Number) 211 (Street Name) W 24th Street
Existing Use of Property March Potent Rother Rother
Current Building Square Footage 26, 50 6
Proposed Use Microtorewery / Tasting Porm
Proposed Building Square Footage 26,500
Trade Name of Business (If applicable) O'Connor Prewing Company, LLC
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) O'CONNOV (First) Kevin (MI)
Mailing address of applicant (Street/P.O. Box): 211 W1 24th Street
(City) Norfalk (State) 1A (Zip Code) 23517
Daytime telephone number of applicant (151) <u>(62.3-233)</u> Fax ()
E-mail address of applicant: V Aug Co occupant by Dunyal J DW

DEPARTMENT OF CITY PLANNING

Application Microbrewery Page 2

(If agent is a LLC or a Corp./Inc., inc		fficial represe	entative and/or a	ıll partners)
2. Name of applicant: (Last)		(First)		(MI)
Mailing address of applicant (Street/I	P.O. Box):			
(City)	(State)		(Zip Code)	
Daytime telephone number of applica	ant ()		Fax ()	
E-mail address of applicant:				
PROPERTY OWNER If property owner is a LLC or a Corp./Ir O'Conver Brewing Compa 3. Name of property owner: (Last) Mailing address of property owner (S (City) November (Sta	any LLC D'Connov Street/P.O. box) ate) <u>JA</u>	(First) _ :: <u>211 W</u> (Zip	Keun 24th Stre Code) 2351	_(MI)
CIVIC LEAGUE INFORMATION		~		3
Civic League contact:	- Kustov	1- Fark	Place Clin	cheague
Date(s) contacted:			1	
Ward/Super Ward information: <u>Th</u>	evesa Wh	ibley/A	rgelia Will	lams Evaves

DEPARTMENT OF CITY PLANNING

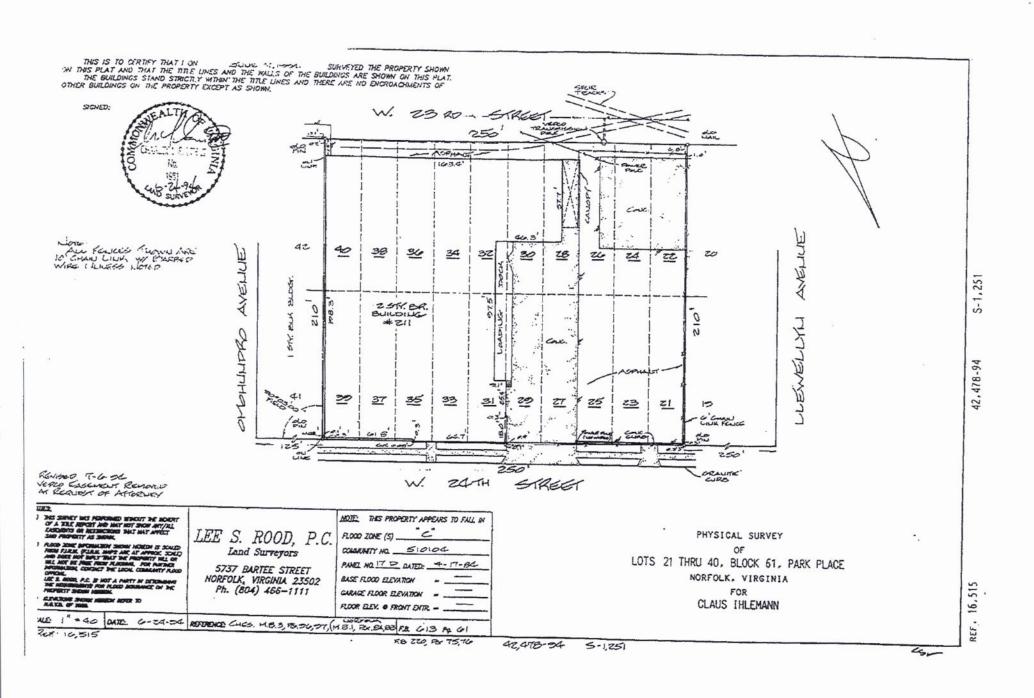
Page 3 CERTIFICATION: I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: Print name: KEVIN O'CONNOR Sign: (Date)

ONLY NEEDED IF APPLICABLE:

Application Microbrewery

> Print name: (Date) (Authorized Agent Signature)

DEPARTMENT OF CITY PLANNING





Checklist – Special Exception Application (Microbrewery)

Item	Yes	No	Not Applicable	Comments
Required application fee, \$355.00	/			
One 8½ inch x 11 inch copy of a floor plan showing layout of establishment showing square footages of brewery and assembly spaces and the location of ABC (See example floor plan in application)	V :			
One $8\frac{1}{2} \times 14$ inch or 11×17 inch copy of a physical survey	/			
One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan	/ -			
Completed Exhibit A, Description of Operations (with corporate name)	/		2	5
Signature of property owner(s)	/			

	1/1/20				
Applicant Signature:_	June	KEVIN O'CONNOR	Date: _	12/11/15	-
Staff Signature:	Matt	Sin	Date:	12/14/15	_

Simons, Matthew

From:

Straley, Matthew

Sent:

Friday, December 18, 2015 1:04 PM

To:

'fjkriston@gmail.com'; Pollock, Susan

Cc:

Whibley, Terry; Williams, Angelia M.; Wilson, Denise

Subject:

FW: new Planning Commission applications - 211 W 24th Street

Attachments:

Oconnor entertainment.pdf

Mr. Kriston,

Attached is the entertainment establishment special exception application for O'Connor Brewing at 211 W 24th Street.

Should you have any questions, please email or call Susan Pollock Hart at (757) 664-4769, susan.pollock@norfolk.gov

Thank you.

From: Straley, Matthew

Sent: Wednesday, December 16, 2015 12:53 PM

To: 'fjkriston@gmail.com'

Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan Subject: new Planning Commission applications - 211 W 24th Street

Mr. Kriston,

Attached please find the following applications at 211 W. 24th Street:

- a. Special exception to operate an entertainment establishment with alcoholic beverages. (This application is forthcoming)
- b. Special exception to operate a microbrewery.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569